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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

MARTIN J. WALSH, Secretary of Labor, United States Department of Labor,

Case No.: 2:21-cv-00984-JAD-
VCF

Plaintiff,

V.

NAB, LLC d/b/a NAB NAIL SALON d/b/a NAB NAIL BAR., a Nevada limited liability corporation, **ASIA TRINH**, an individual and managing agent of the Corporate Defendant, **NICOLE BROWN**, an individual and managing agent of the Corporate Defendant.

Defendants.

**STIPULATION TO CONTINUE
DISCOVERY CUT-OFF,
DISCOVERY MOTION CUT-
OFF, DISPOSITIVE MOTION
DEADLINE, PRE-TRIAL
CONFERENCE AND TRIAL**

First Request

1 The parties in this action, MARTIN J. WALSH (“Plaintiff”) and NAB, LCC, d/b/a NAB
2 NAIL SALON d/b/a NAB NAIL BAR, a Nevada limited liability corporation, ASIA
3 TRINH, an individual, and NICOLE BROWN, an individual (“Defendants”) hereby
4 stipulate and agree to continue the discovery cut-off date, discovery motion cut-off date, pre-
5 trial conference, and trial date and respectfully request this Court to enter an order
6 continuing the identified dates.
7

8 1. On May 21, 2021, Plaintiff filed a Complaint asserting violations of
9 the Fair Labor Standards Act on the part of Defendants. ECF No. 1.

10 2. On November 18, 2021, the court entered a Scheduling Order in
11 which the discovery cut-off, including the hearing of discovery motions, was set for
12 August 18, 2022, dispositive motion deadline was set for December 15, 2022, pre-
13 trial conference was set for January 24, 2023, and trial was set for February 13, 2022.
14 ECF No. 12.

15 3. On June 30, 2022 Defendants’ counsel advised the Secretary that
16 their legal representation of Defendants was likely to be terminated in the coming
17 days. Should Defendants retain new counsel, they may express interest in revisiting
18 settlement negotiations before additional discovery costs are incurred. As outlined
19 below, the parties require additional time to complete discovery and explore
20 resolution as discovery progresses.

21 4. The Secretary issued Requests for Production (“RFPs”) and
22 Interrogatories on April 19, 2022. On May 23, 2022, Defendants had not responded
23 to the discovery requests. The Secretary contacted counsel for Defendants, who
24 advised that they would provide responses in a few days. The Secretary followed
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1 up with Defendants on May 27, 2022. On June 1, 2022, Defendants provided
2 responses to the Secretary's first set of Interrogatories and links to documents.

3 5. Upon review, the Secretary discovered that Defendants'
4 Interrogatory responses were non-responsive and the document links provided did
5 not include any linked documents. The parties discussed the matter on June 1, 2022,
6 and June 2, 2022. Defendants agreed to provide responsive answers to the
7 Interrogatories and a response to the RFPs by June 6, 2022.

9 6. On June 6, 2022, Defendants provided revised Interrogatory
10 responses and some documents. Upon review, the Secretary discovered that
11 Defendants did not provide fully responsive documents for 14 of the 15 RFPs issued.
12 In at least two instances (RFP 11 and 15) there was not a single document produced.
13 Of the documents they did provide none were Bates stamped. Defendants did not
14 provide any written response to the Secretary's RFPs—Defendants did not state any
15 objections, they did not claim an inability to produce the requested documents or
16 provide an explanation for the lack of production of responsive documents.
17 Defendants also failed to provide fully responsive answers to at least six of the nine
18 interrogatories. On June 29, 2022, the Secretary contacted Defendants' counsel to
19 discuss the outstanding discovery issues. On June 30, 2022 Defendant's counsel
20 advised the Secretary that their status as counsel for Defendants was likely to be
21 terminated.

24 7. The Secretary has noticed and scheduled depositions for July 6, 7,
25 and 8 of 2022. The Secretary does not anticipate needing any further depositions.
26 Defendants have not served notices of deposition or discovery.
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1 8. The Secretary cannot complete written discovery or the noticed
2 depositions until Defendants provide responsive answers and documents to the
3 discovery that the Secretary already propounded.

4 9. The parties hereby stipulate and agree to extend the discovery
5 deadline, dispositive motions deadline, pre-trial conference, and trial date by
6 approximately three months.
7

8 10. The parties make the identified requests in good faith and not to
9 unduly delay the final disposition of this matter. The parties believe the requested
10 extensions would preserve judicial resources in this matter.

11 11. This is the first stipulated motion to extend time to take discovery.
12
13 NOW, THEREFORE, the Parties hereby stipulate as follows:

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15 12. The deadline for discovery cut-off shall be November 18, 2022, the
16 deadline for dispositive motions to be filed shall be March 15, 2023, and this Court shall
17 continue further pre-trial deadlines and trials in this matter by approximately three
18 months.
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Respectfully submitted this 8th day of July, 2022.

FOR THE SECRETARY

MARTIN J. WALSH
Solicitor of Labor

MARC A. PILOTIN
Regional Solicitor

ANDREW SCHWARTZ
Counsel

1 /s/ Paige B. Pulley
2 Paige B. Pulley
3 Trial Attorney
4 Attorneys for Secretary of Labor
5 U.S. Department of Labor

6 FOR THE DEFENDANTS
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8

9 /s/ Katryna Lyn Spearman, Esq.
10 Katryna Lyn Spearman, Esq.
11 LOWTHER WALKER, LLC
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13

14 **IT IS SO ORDERED.**

15 IT IS HEREBY ORDERED that the
16 following discovery deadlines apply:
17 Discovery cut-off November 18, 2022
18 Dispositive motion March 15, 2023
19 Joint Pretrial Order April 17, 2023
20 If dispositive motions are filed, the deadline
21 for filing the joint pretrial order will be suspended until 30 days
22 decision on the dispositive motions or further court order.

23 IT IS SO ORDERED.

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25

26 Cam Ferenbach
27 United States Magistrate Judge
28

19 DATED _____
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